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BEFORE THE  
ILLINOIS COMMERCE COMMISSION

SOUTHERN ILLINOIS POWER ) DOCKET NO.  
COOPERATIVE ) 10-0711  
 )  
Petition for authority to exercise )  
the right of Eminent Domain )  
pursuant to 220 ILCS 30/13 and )  
10/13/5 of the Electric Supplier )  
Act. )

Springfield, Illinois  
Tuesday, February 8, 2011

Met, pursuant to notice, at 10:00 a.m.

BEFORE:

MS. LISA TAPIA, Administrative Law Judge

APPEARANCES:

MR. JERRY TICE  
GROSBOLL BECKER TICE TIPPEY & BARR  
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(Appearing on behalf of  
Petitioner Southern Illinois  
Power Cooperative)

SULLIVAN REPORTING COMPANY, by  
Carla J. Boehl, Reporter  
CSR #084-002710

1 APPEARANCES: (Continued)

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10 Petitioner Southern Illinois  
11 Power Cooperative)

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18 (Appearing on behalf of Staff  
19 witnesses of the Illinois  
20 Commerce Commission)

21 ALSO APPEARING:

22 Landowners:

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1 APPEARANCES: (Continued)

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6 MR. FREDERICK B. BEASLEY  
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9 MR. SAM SHAW  
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1		<u>I N D E X</u>			
2					
3	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
4	( None )				
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13		<u>EXHIBITS</u>			
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15				<u>MARKED</u>	<u>ADMITTED</u>
16	( None )				
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PROCEEDINGS

JUDGE TAPIA: By the authority vested in me by the Illinois Commerce Commission, I now call Docket Number 10-0711. This is a case initiated by Southern Illinois Power Company -- actually, I am sorry, Power Cooperative, which is a petition for authority to exercise the right of Eminent Domain pursuant to Section 220. That's ILCS 30/13 and 10/13/5 of the Electric Supplier Act.

Let the record reflect that this is a prehearing conference. The purpose of the prehearing conference is to explain the hearing process and also to set a deadline for testimony in this case and also for future status hearings. This proceeding is conducted under the rules of practice, that's 83 Illinois Administrative Code Part 200. These rules can be found on the ICC website. Also, if anyone would like a set of the rules, you can get one from the Clerk's Office.

May I have appearances for the record, please?

MR. TICE: Appearing on behalf of Southern

1 Illinois Power Cooperative, Jerry Tice, T-I-C-E,  
2 Attorney at Law, 101 East Douglas Street, Petersburg,  
3 Illinois 62675. My phone number is (217) 632-2282.

4 MR. BROWN: Thank you. My name is Gary Brown.  
5 I am also appearing on behalf of the petitioner  
6 herein. I am associated with the Sorling Law  
7 Offices, P.O. Box 5131, Springfield, Illinois 62705.

8 MS. VON QUALEN: Jan Von Qualen on behalf of  
9 the Staff witnesses of the Illinois Commerce  
10 Commission, 527 East Capitol Avenue, Springfield,  
11 Illinois 62704. My phone number is (217) 785-3402.

12 JUDGE TAPIA: Now, I understand there are  
13 several people on the phone, most likely landowners.  
14 For the purposes of the hearing today, if you can  
15 enter your appearance as well by stating your name,  
16 address, phone number and e-mail if you have one.

17 MR. PARKS: Orlie Parks, Jr.

18 JUDGE TAPIA: Could you speak a little louder,  
19 please?

20 MR. PARKS: Illinois. My telephone number is 1  
21 (618) 841-8267.

22 JUDGE TAPIA: Can you repeat your name, please?

1 We couldn't hear it.

2 MR. PARKS: My name is O-R-L-I-E P-A-R-K-S,  
3 Jr., J-R.

4 JUDGE TAPIA: It is Mr. Cars, C-A-R-S?

5 MR. PARKS: No, P-A-R-K-S, Parks.

6 JUDGE TAPIA: Oh, Parks. Mr. Parks, hold one  
7 moment. I believe we have a problem with this  
8 conference bridge. Let's go off the record one  
9 moment.

10 (Whereupon there was then had an  
11 off-the-record discussion.)

12 JUDGE TAPIA: We are back on the record. On  
13 the phone I will take appearances from the landowners  
14 and let's start from the beginning. Mr. Parks, if  
15 you can go first, name, address, phone number and an  
16 e-mail if you have one.

17 MR. PARKS: Okay. My name is Orlie, O-R-L-I-E,  
18 Parks, P-A-R-K-S, Jr., and my address is Box 548,  
19 Carrier Mills, Illinois. My phone number, which I am  
20 on a cell right now because we are currently in  
21 Florida. So it is 1 (618) 841-8267.

22 JUDGE TAPIA: Mr. Cislighi?

1           MR. CISLAGHI: Yes, my name is Jim Cislaghi. I  
2 live at 21819 Enyenhause Road, Creal Springs 62922.  
3 My phone number is (618) 925-3961.

4           MR. TICE: What was the town?

5           JUDGE TAPIA: What town, please?

6           MR. CISLAGHI: Creal Springs.

7           MR. TICE: C-R-E-A-L, right?

8           MR. CISLAGHI: Yes.

9           MR. TICE: Spell your last name, please.

10          MR. CISLAGHI: My last name is C-I-S-L-A-G-H-I.

11          MR. TICE: And it was Indian Housing,  
12 I-N-D-I-A-N?

13          MR. CISLAGHI: It is E-N-Y-E-N-H-A-U-S-E-N  
14 Road.

15          MR. TICE: I am sorry, you are going to have to  
16 spell that again for me.

17          MR. CISLAGHI: Okay, E-N-Y-E-N-H-A-U-S-E-N  
18 Road.

19          MR. TICE: That fourth letter was an E or a B  
20 as in Baker?

21          MR. CISLAGHI: It was an E as in Echo.

22          MR. TICE: All right. Thank you.



1 JUDGE TAPIA: Mr. Cislighi, do you have an  
2 e-mail address?

3 MR. CISLAGHI: Yes, tigers, T-I-G-E-R-S, the  
4 number 6 at verizon.net.

5 JUDGE TAPIA: Thank you. Mr. Parks, did you  
6 have -- did you state your e-mail address?

7 MR. PARKS: No, I did not. It is  
8 Parks60@frontier.com.

9 JUDGE TAPIA: Thank you very much. Okay, Mrs.  
10 Turner?

11 MRS. TURNER: Carmen Turner, 3888 Moake,  
12 M-O-A-K-E, School Road, Marion, Illinois 62959.  
13 Phone number 6 --

14 JUDGE TAPIA: Can you repeat that, Mrs. Turner?  
15 Repeat your phone number.

16 MRS. TURNER: (618) 997-6866.

17 JUDGE TAPIA: And an e-mail address if you have  
18 one?

19 MRS. TURNER: Nanci, N-A-N-C-I, underscore T  
20 underscore 7 at hotmail.com.

21 JUDGE TAPIA: Thank you, Ms. Turner. And  
22 Mr. Beasley.

1           MR. BEASLEY:   Yes, Frederick B. Beasley,  
2   B-E-A-S-L-E-Y, address 5388 Rogersville Lane,  
3   R-O-G-E-R-S-V-I-L-L-E, Creal Springs, Illinois 62922,  
4   phone number (618) 996-2389 and an e-mail address of  
5   Jeff, J-E-F-F, Beasley1, and that's all one word,  
6   Jeffbeasley1@hotmail.com.

7           JUDGE TAPIA:   Thank you very much, Mr. Beasley.

8                         Now, here in the hearing room I notice  
9   that there are several people.   Sir, are you a  
10   landowner?

11          MR. SHAW:    Yes.

12          JUDGE TAPIA:   Would you like to enter your  
13   appearance, please, your name, address and phone  
14   number?

15          MR. SHAW:    Sam Shaw at 7800 Running Deer Road,  
16   Sparta, and that's 62286.   And we are known, Pat and  
17   I here, we are representing Illinois Land of Lakes  
18   and we are a property owner there.   We also own  
19   property on the Enyenhause Road, but my phone number  
20   is (618) 559-1056 and e-mail is samshaw@egyptian.net.

21          JUDGE TAPIA:   Thank you, Mr. Shaw.   And, sir,  
22   if you can enter your appearance as well?

1           MR. WILLARD: Well, I am still with Illinois  
2 Land of Lakes, too. So everything he will get, I  
3 will get, too.

4           JUDGE TAPIA: But state your name and address.

5           MR. WILLARD: Pat Willard, 12759 State Route  
6 154, Sparta, Illinois (618) 443-3744, and it is  
7 willard@dishmail.net.

8           MR. SHAW: Could we give you the company's name  
9 or company's --

10          JUDGE TAPIA: The transcriber is transcribing  
11 it. Are you on the service list? Actually, you are  
12 probably not.

13          MR. WILLARD: We are on the Illinois Land of  
14 Lakes. They own a seed company. We belong to the  
15 company, so we are actually representing the company.

16          JUDGE TAPIA: I will get back to you on that in  
17 a minute. Sir?

18          MR. KIRCHNER: Carl, with a C, Kirchner, 136  
19 Greencastle Circle, Springfield, Illinois 62712.

20          JUDGE TAPIA: Ma'am, did you want to enter your  
21 appearance as well?

22          MRS. KIRCHNER: I am Mrs. Kirchner. Same

1 address.

2 MR. KIRCHNER: KirchnerC@msn.com.

3 JUDGE TAPIA: I will let the record reflect

4 that there are no others wishing to enter an

5 appearance.

6 MRS. TURNER: What was the phone number on

7 Mr. Kirchner?

8 JUDGE TAPIA: Mr Kirchner?

9 MR. KIRCHNER: (217) 529-5760.

10 MRS. TURNER: And he is representing a

11 landowner or the power co-op?

12 MR. KIRCHNER: Landowner.

13 JUDGE TAPIA: If anyone speaks, you need to

14 identify yourself for the purposes of the

15 transcriber. She won't know who is talking. So if

16 anyone speaks, if you could identify yourself, I

17 would appreciate it.

18 MRS. TURNER: That was Carmen Turner. I

19 apologize.

20 JUDGE TAPIA: That's okay. Thank you.

21 Mrs. Turner, you filed a Motion to

22 Intervene in this proceeding. Did you receive and

1 review my ruling denying your motion?

2 MRS. TURNER: Did I receive what?

3 JUDGE TAPIA: Did you receive and review my

4 ruling on your motion, denying your motion?

5 MRS. TURNER: By a letter?

6 JUDGE TAPIA: No, it should have been sent to

7 you electronically.

8 MRS. TURNER: I do not believe that I did, but

9 I saw my name had been put on the service list.

10 JUDGE TAPIA: Okay.

11 MRS. TURNER: But did you say it was denied?

12 JUDGE TAPIA: Yes. I am not sure why you

13 didn't receive it, but go ahead and check --

14 MRS. TURNER: Why would I be denied?

15 JUDGE TAPIA: Your motion was denied based on

16 the following reasons, and I am actually going to

17 read my ruling. Also, you can obtain a copy of this

18 ruling on e-Docket. On the ICC website you can get a

19 copy. But for the purposes of the hearing today I

20 will go ahead and go over the reasons why your motion

21 was denied.

22 Your motion was denied based on some

1 deficiencies. Number one, you failed to state in  
2 your motion your interest in this proceeding. For  
3 example, stating that you have been identified as a  
4 landowner and that your property rights will be  
5 affected based on this case. Also, you seek based on  
6 the cooperative wanting to construct that  
7 transmission line and that that transmission line  
8 would go over your property.

9               Second, you failed to state that in  
10 order to protect your rights and interests, you  
11 should be granted leave to intervene in this case as  
12 a party and be allowed to fully participate as a  
13 party of record in this proceeding. That would  
14 include the right to file briefs, present testimony  
15 and also admit exhibits and also cross-examine  
16 witnesses.

17               The third reason why it was denied was  
18 that you failed to state in your motion whether you  
19 would agree to accept service by electronic means. I  
20 also in the ruling allow you leave to refile your  
21 Motion to Intervene and basically cure these  
22 deficiencies.

1           MRS. TURNER: Okay. I actually spoke with the  
2 Commerce Commission and I thought I followed what  
3 they told me that I was supposed to do. But  
4 apparently either I didn't understand or they didn't  
5 tell me everything I was supposed to do. And I  
6 didn't get everything you said for the first reason I  
7 was denied. Because I didn't state --

8           JUDGE TAPIA: Yes, I will repeat it, Mrs.  
9 Turner. And I understand that you are not a lawyer.  
10 I understand. And I am giving you time to refile it  
11 so it shouldn't be a problem.

12                   The first reason was that you failed  
13 to state in your motion your interest in the  
14 proceeding, in other words, stating that you had been  
15 identified as an owner of the property rights over  
16 which this cooperative seeks to construct a proposed  
17 transmission and that this proposed transmission  
18 would cross your property. You don't have to write  
19 all this down. If you go on e-Docket you can print  
20 out the ruling and then --

21           MRS. TURNER: I have been on there every day  
22 and I haven't seen any new documents. So I will have

1 to go back and look again.

2 JUDGE TAPIA: Since I sent out the ruling  
3 yesterday, it probably won't go until today.

4 MRS. TURNER: I see.

5 JUDGE TAPIA: And check your e-mail. Also, if  
6 it is not on e-Docket, go ahead and call the Clerk's  
7 Office and I will have them send you a courtesy copy.

8 MRS. TURNER: Thank you. I will.

9 JUDGE TAPIA: You are welcome. Now, for the  
10 other landowners and for those of you who would like  
11 your voices to be heard, you have to file a Motion to  
12 Intervene, just like Ms. Turner did. If you would  
13 like to go on e-Docket and then see what you need to  
14 do, you can use that as a guideline. That's the --  
15 procedurally that's the only way you are going to be  
16 able to participate fully in this case.

17 MRS. TURNER: And I did -- this is Carmen  
18 Turner. And I did feel pressured to get that done  
19 quickly since we only had, you know, ten days notice  
20 that this was going to happen. So there was some  
21 pressure there to try to hurry up and get it done.

22 JUDGE TAPIA: I completely understand,



1 Ms. Turner, and I will give you time to get it done.  
2 How much time do you need to refile your motion? A  
3 week? Or do you need more time?  
4 MRS. TURNER: I would think that would be okay.  
5 I did that one within 24 hours, so.  
6 JUDGE TAPIA: So you can file your Motion to  
7 Intervene by February 15.  
8 MRS. TURNER: The 15th?  
9 JUDGE TAPIA: Yes, a week from today.  
10 MRS. TURNER: Could you --  
11 JUDGE TAPIA: Yes?  
12 MRS. TURNER: I have a question. Maybe for  
13 just a couple more days, since I didn't do it right  
14 the first time, just to make sure it is correct,  
15 could I have like until the 20th maybe?  
16 JUDGE TAPIA: Oh, absolutely, February 20.  
17 That's fine.  
18 MRS. TURNER: Thank you very much.  
19 MS. VON QUALEN: That's a Sunday.  
20 MR. BEASLEY: This is Frederick Beasley. Would  
21 that date go -- for those of us that have not filed a  
22 Motion to Intervene will that date go for us as well?

1 JUDGE TAPIA: Yes. For any of the landowners  
2 who would like to participate, go ahead and file a  
3 Motion to Intervene. And as I mentioned before, use  
4 the ruling that should be on e-Docket today as a  
5 guideline of how to draft your motion.

6 Now, I am going to move it to February  
7 22, Mrs. Turner. February 20 is a Sunday.

8 MRS. TURNER: Okay, thank you.

9 JUDGE TAPIA: You are welcome. So I will give  
10 the deadline to February 22.

11 Does any of the landowners have any  
12 questions in regards to the Motion to Intervene?

13 MR. CISLAGHI: Ma'am, my name is Jim Cislaghi.  
14 So we are unable to address anything until we have  
15 done this?

16 JUDGE TAPIA: I am sorry, I didn't hear your  
17 question.

18 MR. CISLAGHI: I said, we are not able to  
19 address anything here today if we haven't done what  
20 you have done here with Mrs. Turner and Mr. Beasley?

21 JUDGE TAPIA: Well, today, the purpose of  
22 today's hearing is setting a schedule for the case to

1     proceed.   Today no substantive decisions are going to  
2     be made.   We have to set a schedule, which we will do  
3     in a few minutes, in regards to the proceedings.   But  
4     right now what we need to do is those who are  
5     interested in participating in this docket need to  
6     file a Motion to Intervene.   Once you are in the  
7     case -- actually, today you will know when testimony  
8     will be submitted.   When testimony is submitted,  
9     that's when you testify, so to speak, in this case.

10           MR. CISLAGHI:   I got this letter about 6 -- and  
11     I have not received any type of document saying what  
12     they want.   I have just heard different bits and  
13     pieces from different landowners, and I have not  
14     received anything myself.

15           JUDGE TAPIA:   I am sorry, who is speaking?

16           MR. CISLAGHI:   This is Jim Cislacghi still.   Is  
17     there any possible way that Mr. Brown or Mr. Tice or  
18     whoever sent these papers out to the other  
19     landowners, if I can see any of this stuff that was  
20     sent?   I don't know if it was sent to John and  
21     Georgia Klotz or not.   I have not seen anything.   I  
22     just got this letter given to me and just kind of

1 read it and I am just trying to check in what this is  
2 all about.

3 JUDGE TAPIA: Sure. Mr. Cislaghi, I will have  
4 Mr. Tice or Mr. Brown answer your question. Is  
5 Mr. Cislaghi on your list of landowners?

6 MR. TICE: No, he is not, and I want to find  
7 out who he bought the land from. He said a  
8 Mr. Klotz?

9 JUDGE TAPIA: Mr. Cislaghi, did you hear the  
10 question?

11 MR. TICE: Who did you buy the ground from?

12 MR. CISLAGHI: I bought it from John and  
13 Georgia Klotz.

14 MR. TICE: Can you spell the last name, please?

15 MS. VON QUALEN: I think they are Number 25 on  
16 your list of unsigned properties attached to the  
17 petition.

18 MR. TICE: Is it K-L-O-T-Z?

19 MR. CISLAGHI: Yes, yes. I have not received  
20 anything about this matter and then John had brung me  
21 this letter down. So I don't know where all the  
22 documents went or whatever, but I bought this land

1     like about six months ago and I have not received  
2     anything. And I would kind of like to see what the  
3     proposal was and what's the goal here, like that.

4             MR. TICE: We will have the petitioner get  
5     ahold of you, Mr. Cislaghi.

6             MR. CISLAGHI: Okay.

7             JUDGE TAPIA: Thank you. Anyone else have any  
8     questions in regards to a Motion to Intervene or in  
9     regards to this proceeding today?

10            MR. PARKS: This is Orlie Parks.

11            JUDGE TAPIA: Yes, Mr. Parks.

12            MR. PARKS: I don't know what kind of documents  
13     they are talking about, but we received some and I  
14     did talk to -- they said I had ten days to call him  
15     back, and I did call him back. I can't remember the  
16     name. And like I said, we are currently in Florida  
17     right now and I don't have the papers, but his name  
18     was Mike Lipsay (sp) or something on that order. And  
19     what I have got to say is that we did give them a  
20     right to cross our property and we did sign some  
21     papers and then they came back and wanted to take a  
22     different path through, which we objected to. And

1     that's my main objection, right there.

2             JUDGE TAPIA:   Okay.   Mr. Parks, will you be  
3     entering your -- actually, will you be filing a  
4     Motion to Intervene?

5             MR. PARKS:   I do not know.   I don't have any --  
6     I didn't get any papers about anything on that order  
7     and I am around 1,000 miles from my computer so an  
8     e-mail wouldn't do me any good right now.

9             JUDGE TAPIA:   The first step, Mr. Parks, is  
10    being a participant in this case, you need to file a  
11    Motion to Intervene.   If you need more time in  
12    regards to filing a Motion to Intervene, I will give  
13    you more time.   But as I mentioned before, you can go  
14    on e-Docket -- you have no access to a computer?

15            MR. PARKS:   Not right now, not where we are at.

16            JUDGE TAPIA:   Okay.   Now, when do you think  
17    that you can file a Motion to Intervene in this case?  
18    How much time do you need?

19            MR. PARKS:   How do I go about filing it?

20            JUDGE TAPIA:   If you go on e-Docket on the ICC  
21    website, there is going to be a ruling from me  
22    denying Mrs. Turner's Motion to Intervene.   In the

1     ruling I state the deficiencies. You can use that as  
2     a guideline of what needs to be in your motion.

3             MR. PARKS: Okay. I have to go on a computer  
4     to do that, right?

5             JUDGE TAPIA: Yes. But I will give you time,  
6     Mr. Parks, to file a motion.

7             MS. VON QUALEN: Judge, may I suggest that we  
8     just apply the typical rules in the proceeding and  
9     allow people to intervene at any time but understand  
10    that they take the case as it is? Because, you know,  
11    there may be additional landowners that will want to  
12    intervene as the proceeding progresses. So I would  
13    suggest -- I mean, Staff is going to suggest a  
14    testimony date of mid-April, and certainly anybody  
15    who wanted to file direct testimony would have to  
16    intervene in advance of that date. But I don't think  
17    at this point we would really need -- you know, we  
18    have Mr. Parks there who is in Florida. He may be  
19    back near his computer in time to file a Motion to  
20    Intervene well in advance of the testimony date.

21             JUDGE TAPIA: I think that is actually  
22    appropriate in this case based on as many landowners

1 as there is, and I would hate to limit anyone or feel  
2 pressure. But, yes, I will revise. I won't give a  
3 deadline, although you want to do it the sooner, the  
4 better. But you take the case as it is at that time.  
5 So you could participate sooner.

6 Does everyone understand what Ms. Von  
7 Qualen just stated?

8 MRS. TURNER: This is Carmen Turner. I do.

9 MR. PARKS: This is Orlie Parks. I do.

10 JUDGE TAPIA: Just to sum it up, you can file a  
11 Motion to Intervene at any point in time but you want  
12 to do it as soon as possible. But you take the case  
13 at the period it is at. So you want to do it sooner  
14 if, you know, you want to participate fully in this  
15 case and submit testimony in meeting the deadlines.  
16 So please file your Motion to Intervene as soon as  
17 practical.

18 MR. TICE: Judge, how are you going to handle  
19 --

20 MR. PARKS: I have one question. This is  
21 Parks.

22 JUDGE TAPIA: Yes, Mr. Parks.



1           MR. PARKS:   When we give our testimony, can we  
2   do it by e-mail or how?

3           JUDGE TAPIA:   Well, you have to -- first of  
4   all, in your motion you have to agree to electronic  
5   means to receive service and you have to follow the  
6   rules of practice.   You can call the Clerk's Office  
7   or obtain a Code Part 200 which tells you exactly how  
8   you are to file documents in this case.   So that's  
9   the first thing you want to do, is get a Rules of  
10   Practice.

11          MRS. KIRCHNER:   Rules of Practice.

12          JUDGE TAPIA:   Yes, it's the Rules of Practice.  
13   And since you are here, you can go ahead and get a  
14   copy at the Clerk's Office.

15          MR. KIRCHNER:   You said as practical.

16          JUDGE TAPIA:   Please state your name.

17          MR. KIRCHNER:   Carl Kirchner.   What's the last  
18   date to intervene?

19          JUDGE TAPIA:   Well, you can intervene at any  
20   point.

21          MR. KIRCHNER:   Next year?

22          JUDGE TAPIA:   Well, the case might be over.

1           MR. KIRCHNER:   When is the last date to  
2   intervene?

3           MS. VON QUALEN:   There is no last date yet  
4   because we do not have a schedule for the proceeding.  
5   When the Commission enters its Final Order, it is too  
6   late to intervene.   But if you don't intervene before  
7   direct testimony is filed, you will be prohibited  
8   from filing direct testimony.

9           MR. KIRCHNER:   When will we know?

10          MS. VON QUALEN:   We are going to discuss the  
11   schedule today after the preliminary matters.

12          MR. KIRCHNER:   Thank you.

13          JUDGE TAPIA:    Thank you, Ms. Von Qualen.   Any  
14   other questions in regards to that or any of the  
15   proceedings?

16                               (No response.)

17                Okay.   Have the parties, Staff and the  
18   Cooperative, come up with a proposed schedule?

19          MS. VON QUALEN:   Staff has proposed a Staff and  
20   Intervenor direct testimony date of April 13 and we  
21   would suggest that some period after that for the  
22   Company to file rebuttal testimony, assuming they

1 would like to file additional testimony, and some  
2 period after their rebuttal testimony we would  
3 propose an additional status hearing to be used for  
4 further scheduling purposes in case Staff,  
5 Intervenor, would like to file rebuttal testimony.

6 JUDGE TAPIA: Okay. I would like to hear from  
7 the Cooperative, Mr. Tice or Mr. Brown, in regards to  
8 direct?

9 MR. TICE: The Cooperative has not filed their  
10 initial direct testimony yet. I am assuming from  
11 what Ms. Von Qualen has said that they are intending  
12 to file, their date of April 13, is being post our  
13 filing of our direct testimony. So we would have our  
14 direct testimony on file, I would think, if the 13th  
15 --

16 MRS. TURNER: This is Carmen Turner, and the  
17 date you are talking about of April 13, is that when  
18 all the paper work would be in or is that an actual  
19 date that we would appear?

20 JUDGE TAPIA: That's a date that direct  
21 testimony or direct testimony from Staff, the ICC  
22 Staff, and the Intervenor would be due. But right

1     now we are just trying to decide on dates. That's  
2     not set in stone yet. We will decide that in a few  
3     minutes.

4             MRS. TURNER: I just wondered if that was a  
5     date of appearance or a date that things would have  
6     to be in by that you are talking about.

7             JUDGE TAPIA: Yes, that would be direct  
8     testimony that would be filed on e-Docket.

9                     We are going to go off the record for  
10    a moment so I can have all the landowners put some  
11    input in regards to the schedule.

12                             (Whereupon there was then had an  
13                             off-the-record discussion.)

14             JUDGE TAPIA: We are back on the record. The  
15    parties and the landowners discussed having a status  
16    hearing, also a date for direct testimony to be due  
17    for the Cooperative. The direct testimony of the  
18    Cooperative will be due on March 15, 2011. We will  
19    have a status hearing on March 30 at 10:00 a.m. At  
20    that time we will determine a date for Intervenor  
21    direct testimony.

22                     Before I continue this case to March

1 30, are there any questions in regard to the  
2 proceedings, the Motion to Intervene, the schedule or  
3 anything, for that matter?

4 (No response.)

5 Okay. Before closing the hearing  
6 today, I would like to encourage the Cooperative and  
7 also the landowners to continue negotiations to the  
8 proceedings in this case. You want to keep talking.  
9 But the case will proceed and then we will see where  
10 we are at on March 30.

11 MRS. TURNER: This is Carmen Turner again.

12 JUDGE TAPIA: Yes, Mrs. Turner.

13 MRS. TURNER: And since I received my letter on  
14 August 9, I called. I have, you know, every date  
15 that I called, and they have never had an answer.  
16 They just keep telling me they have no answers to my  
17 questions or my concerns. I can't even get them to  
18 give me a contract that has the correct wording. I  
19 don't know what else I am supposed to try to do.

20 JUDGE TAPIA: Well, after this hearing today, I  
21 think, you know, Mr. Tice and Mr. Brown know who is  
22 here, you know, knows maybe there has been some lack

1 of communication, not to anyone's fault but this is  
2 pretty much a big case. But, Mrs. Turner, I am  
3 confident that Mr. Tice or Mr. Brown will get back to  
4 you. But continue talking and then you file your  
5 Motion to Intervene and then we can hear all your  
6 concerns and we can take it from there.

7 MRS. TURNER: Okay. I mean -- this is Carmen  
8 again. I mean, the last time I talked with  
9 Mr. Lipsay was December 22 and I asked him if he had  
10 any answers or, you know, anything with our concerns.  
11 And he said, no, it was a slow process. I asked  
12 about the environmental impact studies and he said,  
13 no, they hadn't done it. So I said so you still  
14 don't know anything? And he said, no, we don't know  
15 anything. Well, then I found out that on December 13  
16 they filed this petition.

17 JUDGE TAPIA: Mrs. Turner?

18 MRS. TURNER: Yes.

19 JUDGE TAPIA: Right now is not the time to go  
20 into that. Right now actually we are starting the  
21 case so things should come into place at this point.  
22 We are all gathered together here to have a plan in

1     this case and setting a schedule. So that should  
2     move things along. Before a case, it gets a little  
3     confusing. There is a lot of landowners and that  
4     kind of thing. So there is going to be some  
5     confusion. But I am confident from today on things  
6     are going to be more clear and so I wouldn't -- that  
7     shouldn't be too much of a concern. It is going to  
8     proceed from today on.

9             MRS. TURNER: Okay. That would be great  
10    because, you know, it's been a worry since then of  
11    trying to, you know, find out what they want.

12            JUDGE TAPIA: Oh, no, I completely understand.  
13    I am sure you will know soon.

14                     Anything else?

15                             (No response.)

16             Okay. I will continue this case to  
17    March 30. That's a status hearing. All can attend  
18    by phone if it is more convenient. You don't have to  
19    be present in person for that case, for that status  
20    hearing.

21                     Okay. Thank you very much.

22                             (Whereupon the hearing in this

1 matter was continued until March  
2 30, 2011, at 10:00 a.m. in  
3 Springfield, Illinois.)  
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